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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,430	12/17/2003	Yi Yen Lin	10113501	8187
34283	7590	03/06/2006	EXAMINER	
<b>QUINTERO LAW OFFICE</b> 1617 BROADWAY, 3RD FLOOR SANTA MONICA, CA 90404				BALAOING, ARIEL A
ART UNIT		PAPER NUMBER		

2683

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/738,430	LIN, YI YEN
	Examiner Ariel Balaoing	Art Unit 2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 27 November 2002 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Amended independent claims 1 and 10 include the new limitation wherein the holder is movable between a first position overlapping the second concave portion and a second position not overlapping the second concave portion. While support for the holder movable in a first position overlapping the second concave portion is found in the specification (Figure 4a), support for wherein a second position of the holder is not overlapping the second concave portion is not found. From the figures, a portion of the holder **23** remains overlapping the second concave portion **12**.

### ***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-4, 6-11, 13-21 rejected under 35 U.S.C. 103(a) as being unpatentable over SAKAGUCHI et al (US 2002/0094841 A1) in view of ITO et al (EP 0 947 944 A2).

Regarding claim 1, SAKAGUCHI discloses a mobile phone with a SIM card holder (Figure 1a; abstract) comprising: a body including a first concave portion and a second concave portion (Figure 1b; paragraph 27); a holder disposed in the first concave portion of the body the holder movable between a first position overlapping the second concave portion and a second position (3, 4-Figure 1a, 1b; paragraph 27-29); and a SIM card removably disposable in the second concave portion of the body (1-Figure 1a, 1b; abstract), wherein the SIM card is abutted by the holder so that the holder is moved to the second position from the first position during the disposition of the SIM card is disposed in the second concave (abstract; paragraph 27-29), and the holder returns from the second position to the first position so as to fix the SIM card in the second concave portion when the SIM card is located in the second concave portion (abstract; paragraph 27-29). However, SAKAGUCHI does not disclose wherein the second position does not overlap the second concave portion. ITO discloses a holder movable between a first position overlapping the second concave portion and a second position not overlapping the second concave portion (abstract; Figure 5, 6; paragraph 17-21). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SAKAGUCHI to include the latching SIM card holder of ITO, as both inventions relate to the field of the endeavor of SIM card

holder design. This is beneficial in that providing a slidable latching hinge provides greater strength and stiffness against the SIM card and contacts (paragraph 3 and 4).

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes a first contact in the second concave portion (2-Figure 1a; abstract), and the SIM card includes a second contact corresponding to the first contact (abstract), whereby the SIM card is electrically connected to the body by the second contact contacting the first contact (abstract).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the first contact is an elastic member (2-Figure 1a; abstract), and the SIM card is ejected from the second concave portion by the first contact when the holder is moved to the second position from the first position (abstract; paragraph 26-29; SIM card is elastically held to second concave by the holder, and can be released by moving the holder. The elastic contacts provided for the SIM card will inherently eject the card from the holder when pressure is relieved.).

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the depth of the first concave portion is shallower than that of the second concave portion (Figure 1a; 1b; First concave portion is shallower then the second with respect to the mobile devices body).

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes an abutting surface between the first concave portion and the second concave portion, and the holder includes an elastic portion corresponding to the abutting surface, whereby the holder is disposed in the first concave portion of the body in a moveable manner by the elastic portion abutting the abutting surface (paragraph 29-31; Figure 3c).

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes an inclined surface opposite to a surface formed with the elastic portion (paragraph 29-31; Figure 3c; inclined surface provides pressure on the sim).

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes an inclined surface, and the inclined surface is abutted by the SIM card during the disposition of the SIM card in the second concave portion (paragraph 29-31; Figure 3c; inclined surface provides pressure on the sim).

Regarding claim 9, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes a release hole to assist in the movement of the holder (paragraph 29).

Regarding claim 10, SAKAGUCHI discloses a mobile phone with a SIM card holder (Figure 1a; abstract) comprising: a body (Figure 1a, 1b); a holder disposed on the body, the holder movable between a first position and a second position (3, 4-Figure

1a, 1b; paragraph 27-29); and a SIM card removably disposed on the body (1-Figure 1a, 1b; abstract), wherein the SIM card is abutted by the holder so that the holder is moved to the second position from the first position when the SIM card is disposed on the body (abstract; paragraph 27-29), and the holder returns from the second position to the first position to overlap the SIM card so as to fix the SIM card on the body when the SIM card is located on the body (abstract; paragraph 27-29). However, SAKAGUCHI does not disclose wherein the second position does not overlap the second concave portion. ITO discloses a holder movable between a first position overlapping the second concave portion and a second position not overlapping the second concave portion (abstract; Figure 5, 6). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SAKAGUCHI to include the latching SIM card holder of ITO, as both inventions relate to the field of the endeavor of SIM card holder design. This is beneficial in that providing a slidable latching hinge provides greater strength and stiffness against the SIM card and contacts (paragraph 3 and 4).

Regarding claim 11, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes a first concave portion, and the holder is disposed therein (Figure 1a, 1b; paragraph 27-29).

Regarding claim 13, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes a second concave portion for receiving the SIM card to dispose therein, and

the depth of the first concave portion is shallower than that of the second concave portion (Figure 1a; 1b; paragraph 26-29; First concave portion is shallower than the second with respect to the mobile devices body).

Regarding claim 14, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes a first contact in the second concave portion, and the SIM card includes a second contact corresponding to the first contact, whereby the SIM card is electrically connected to the body by the second contact contacting the first contact (2-Figure 1a; abstract).

Regarding claim 15, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the first contact is an elastic member, and the SIM card is ejected from the second concave portion by the first contact when the holder is moved to the second position from the first position (abstract; paragraph 26-29; SIM card is elastically held to second concave by the holder, and can be released by moving the holder. The elastic contacts provided for the SIM card will inherently eject the card from the holder when pressure is relieved).

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes an abutting surface between the first concave portion and the second concave portion, and the holder includes an elastic portion corresponding to the abutting surface, whereby the holder is disposed in the first concave portion of the body in a moveable

manner by the elastic portion abutting the abutting surface (paragraph 29-31; Figure 3c).

Regarding claim 17, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes an inclined surface opposite to a surface formed with the elastic portion (paragraph 29-31; Figure 3c; inclined surface provides pressure on the sim).

Regarding claim 18, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes an inclined surface, and the inclined surface is abutted by the SIM card when the SIM is disposed on the body from the outside (paragraph 29-31; Figure 3c; inclined surface provides pressure on the sim).

Regarding claim 19, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes a release hole to assist in the movement of the holder (paragraph 29).

Regarding claim 20, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes an abutting surface portion (Figure 1a), and the holder includes an elastic portion corresponding to the abutting surface (4-Figure 1a; paragraph 27-29; holder is abutted to the second concave portion), wherein the elastic member is compressed against the abutting surface by movement of the holder from the first position to the second position (paragraph 27-29; holder is compressed during second position, corresponding to removal, insertion of SIM card), and the elastic force from the

compressed elastic member returns the holder from the second position to the first position when the holder is released while in the second position (paragraph 27-29; when released, holder applies pressure to the SIM card and contacts). However, SAKAGUCHI does not disclose wherein the abutting surface is between the first concave portion and the second concave portion. ITO discloses wherein the body includes an abutting surface between the first concave portion and the second concave portion (Figure 1; paragraph 17-19), and the holder includes an elastic portion corresponding to the abutting surface (leaf spring; abstract; paragraph 20-21), wherein the elastic member is compressed against the abutting surface by movement of the holder from the first position to the second position (paragraph 20-21), and the elastic force from the compressed elastic member returns the holder from the second position to the first position when the holder is released while in the second position (paragraph 20-21; cover slides and locks, when released the cover is forced into second position via the leaf spring elasticity). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SAKAGUCHI to include the latching SIM card holder of ITO, as both inventions relate to the field of the endeavor of SIM card holder design. This is beneficial in that providing a slidable latching hinge provides greater strength and stiffness against the SIM card and contacts (paragraph 3 and 4).

Regarding claim 21, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses SAKAGUCHI further discloses wherein the body includes an abutting surface portion (Figure 1a), and

the holder includes an elastic portion corresponding to the abutting surface (4-Figure 1a; paragraph 27-29; holder is abutted to the second concave portion), wherein the elastic member is compressed against the abutting surface by movement of the holder from the first position to the second position (paragraph 27-29; holder is compressed during second position, corresponding to removal, insertion of SIM card), and the elastic force from the compressed elastic member returns the holder from the second position to the first position when the holder is released while in the second position (paragraph 27-29; when released, holder applies pressure to the SIM card and contacts). However, SAKAGUCHI does not disclose wherein the abutting surface is between the first concave portion and the second concave portion. ITO discloses wherein the body includes an abutting surface between the first concave portion and the second concave portion (Figure 1; paragraph 17-19), and the holder includes an elastic portion corresponding to the abutting surface (leaf spring; abstract; paragraph 20-21), wherein the elastic member is compressed against the abutting surface by movement of the holder from the first position to the second position (paragraph 20-21), and the elastic force from the compressed elastic member returns the holder from the second position to the first position when the holder is released while in the second position (paragraph 20-21; cover slides and locks, when released the cover is forced into second position via the leaf spring elasticity). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SAKAGUCHI to include the latching SIM card holder of ITO, as both inventions relate to the field of the endeavor of SIM card holder design. This is beneficial in that providing a slidable

latching hinge provides greater strength and stiffness against the SIM card and contacts (paragraph 3 and 4).

6. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAKAGUCHI et al (US 2002/0094841 A1) in view of KAO et al (US 2003/0227763 A1).

Regarding claims 5 and 12, see the rejections of the parent claims concerning the subject matter these claims are dependent upon. However, SKAGUCHI does not disclose wherein the first concave portion is formed with a hole and the holder includes a protrusion corresponding to the hole, whereby the holder is fixed in the first concave portion by inserting the protrusion into the hole. KAO discloses wherein the first concave portion is formed with a hole and the holder includes a protrusion corresponding to the hole, whereby the holder is fixed in the first concave portion by inserting the protrusion into the hole (abstract; figure 6). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SKAGUCHI to include a means for attaching the holder to the first concave portion using a hole and protrusion, as taught by KAO, as this is another method to integrally attach a holder to the body of a mobile device.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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